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Social Assistance Review Board

1990-91 Annual Report





Social
Assistance
Review
Board

Commission
de révision de
l'aide
social

General Inquiry
Renseignements généraux 416/326-5104
Hearing Schedules 1075 Bay Street
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Toll Free outside of Toronto
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To the Honourable Marion Boyd
Minister of Community and Social Services
Province of Ontario

It is my pleasure to present the annual report of the Social
Assistance Review Board for the fiscal year ending March 31, 1991.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Laura Bradbury'.

Laura Bradbury
Chair



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Message from the Chair

The Social Assistance Review Board plays a crucial role in Ontario's social welfare system as the appeal body for people who disagree with the decisions of government administrators concerning their benefits. I was honoured to be appointed chair of the board effective in July 1991.

Upon my arrival I found committed and capable adjudicators and staff and a fair process for hearing appeals under the social assistance legislation. The progress the board has achieved in the past three years is a tribute to the leadership of my predecessor, Joanne Campbell. During her term as chair, the board has accomplished a fundamental objective urged by the *Transitions* report of the Social Assistance Review Committee - that of inspiring public confidence in the appeals system.

This annual report covers the fiscal year ending March 31, 1991, which I believe was very much a transitional period as the board began to address the impact of the recession.

In the second half of the year the number of requests for hearings increased sharply, as unemployment forced more people to seek social assistance. The volume of appeals has grown even more in the 1991-92 fiscal year. This trend is likely to persist, since many of the jobs lost in this recession may not return when economic conditions improve.

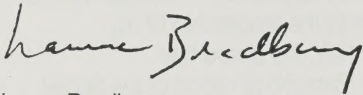
The recession is also putting great pressure on government finances. This situation places upon all of us in the public sector the challenge to meet society's needs through the effective use of resources.

At SARB, we face the task of responding quickly to a growing volume of appeals, in order to reduce the uncertainty in people's lives. At the same time we are determined to maintain the highest standards of quality in our decision-making process.

Social Assistance Review Board

We are now reviewing all our activities to find ways to streamline our procedures and systems without compromising the right to a fair hearing. We realize it is not easy to balance fairness and effectiveness, but we must and we will meet this challenge.

In recent years the board has benefited from ongoing communication and a strong working relationship with legal clinics, municipal and provincial administrators and community organizations. I am committed to building on this partnership in the months and years ahead.

A handwritten signature in black ink, reading "Laura Bradbury". The signature is written in a cursive, flowing style.

Laura Bradbury
Chair

Our role

The Social Assistance Review Board hears and rules on appeals from people who have been refused social assistance or whose benefits have been reduced or cancelled. Our role is to help ensure that the social assistance system – established by the province to provide a “safety net” for people in need – operates fairly and in accordance with the law. We recognize that our responsibilities must be carried out with great sensitivity, since the cases before us affect the necessities of life.

As a tribunal, we adhere to established legal procedures, but at the same time we strive to be accessible and open. We are committed to outreach to make the appeal process available to all who can benefit from it.

We strive to write decisions that are not only impartial but clear, consistent and understandable. We work to resolve cases as quickly as we can, while maintaining quality. Within our organization, we are committed to co-operative working relationships that foster effective decisions and responsive service.

Members of the Social Assistance Review Board (SARB)

Chair:

Laura Bradbury, Toronto

SARB's new chair, Laura Bradbury, took office in July 1991. Called to the bar in 1979, Laura worked in a legal clinic, in private practice and with the provincial Ombudsman's office before being appointed to the Workers' Compensation Appeals Tribunal in October 1985. She became the tribunal's alternate chair, a management position in the chairman's office, in June 1988. Laura carried out management and adjudicative roles in this post until her SARB appointment.

legal worker, a crisis counsellor and the co-ordinator of a women's shelter. In a volunteer capacity, she has been active in the battered women's movement.

Trudy Bolduc, Sudbury

Before her appointment to SARB in September 1988, Trudy Bolduc was in private practice in divorce/family mediation. She has been employed as a parental support worker with the Ministry of Community and Social Services, has served as chair of the Manitoulin and Espanola Housing Authority, and is a member of the Cambrian College board of governors.

Members: (as of March 31, 1991):

Maureen Adams, Toronto

Maureen Adams was reappointed to SARB for a second three year term in January 1991. During her first term, she was a member of the outreach and communications committee and co-chaired the procedures committee. She served as acting chair of the board from January through June 1991. Prior to joining SARB, Maureen worked in the social services field as a community

Carol Brooks, London

An adult educator, Carol Brooks joined SARB in November 1988. She has designed and published training materials on the learning needs of various low-income populations. Carol has taught in employment entry programs, led professional seminars for instructors and evaluated programs across the province. She was a member of the Vision 2000 study group on access to colleges of applied arts and technology.

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Vincent Ching, Toronto

Before coming to the board in September 1989, Vincent Ching had 14 years of working experience in three Ontario government ministries. His responsibilities over his career involved service delivery, policy development, program administration and financial management. He has a social work background, plus a long volunteer record, and is currently a board member of the Chinese Information and Community Services.

Vern Douglas, Mississauga

Vern Douglas brings to the board an extensive background in education, community development and organizational development with Native organizations, universities and government. He has wide teaching experience in Ontario and was the director of the Sacred Circle Native Education Project for Edmonton Public Schools from 1981 to 1985. Vern began his second three-year term on SARB in November 1990. He chairs the board's procedures committee.

David Draper, Toronto

Appointed to SARB in February 1990, David Draper has worked as a lawyer at the Advocacy Resource Centre for the Handicapped, Parkdale Community Legal Services and in private practice. His major interest has been the law as it affects people with disabilities. He has served on the boards of Justice for

Children and the Cornerstone Centre for the Hearing Impaired and has taught at Osgoode Hall Law School, Ryerson and the Bar Admission Course.

Donald Heath, Toronto

Donald Heath began his second three year term on the board in January 1991. He was selected as a participant in the 1987 Governor General's Study Conference, which brought together more than 200 young people identified as future Canadian leaders. He also assisted in organizing the 1991 conference. Prior to joining SARB, Donald was active in organized labour, holding various elected positions including president of the Sarnia and District Labour Council for two terms. He chairs SARB's policy committee.

Donald R. MacLeod, Thunder Bay

Donald R. MacLeod was chief administrative officer of the City of Thunder Bay before being named to SARB in January 1989. Earlier posts include administrator of social services and director of community services to Thunder Bay. He is a past president of the Ontario Municipal Social Services Association (OMSSA).

Carol J. Martin, Thunder Bay

Carol J. Martin has an academic background in history, sociology and public administration and has taught sociology, including all aspects of

Native education. Carol has designed and implemented courses, workshops and conferences on Native and northern issues. She has worked in northern communities as a researcher, counsellor and community organizer and is currently chair of the Native Advisory Committee to Lakehead University in Thunder Bay. Carol joined SARB in November 1988.

Mary McCormick, Newmarket

Mary McCormick was the senior lawyer in the legal clinic at North Frontenac Community Services in Sharbot Lake prior to her appointment to SARB in November 1988. She earlier practised family law in Winnipeg. A past president of the North Frontenac Association for the Mentally Handicapped, she is on the board of the Newmarket and District Association for Community Living. Mary was also a member of the legal advisory committee of the Social Assistance Review Committee.

Deborah Morrish, Toronto

Deborah Morrish was reappointed to SARB in January 1991 for a second three year term. She is a former French immersion teacher who has also worked for Metro Toronto Social Services. Deborah has been a volunteer for the Metro Toronto Housing Authority and continues as a worker in the crisis intervention unit at Toronto East General and Orthopaedic Hospital.

Vangelis Nikias, Toronto

Vangelis Nikias was the president of BOOST, a self-help organization for blind persons. A former social assistance recipient who is blind himself, he also chaired the Income Maintenance Co-ordinating Group for the Handicapped. He previously served as a community health officer with Toronto's Public Health Department and was a founding member of the Canadian Disability Rights Council. Vangelis began his second three year term on SARB in November 1990.

Erwin Novac, Windsor

Erwin Novac was formerly co-ordinator of programs for Legal Assistance of Windsor, a university legal clinic staffed by lawyers and social workers. On a volunteer basis, he has been a mediator in dispute resolution, a trainer in organizational planning and a member of various boards. A social worker, Erwin has worked with the Roman Catholic Children's Aid Society and the Office of the Official Guardian. He joined SARB in November 1988.

Dorothy O'Connell, Ottawa

Dorothy O'Connell is a founder of the Ottawa Tenants Council for Public Housing, which later became the Ottawa Council for Low Income Support Services. She was an advocate worker with this organization and also served as a member of Ottawa's Social Planning

Social Assistance Review Board

Council. She is a noted public speaker and author of plays and books. Appointed to the board in September 1988, Dorothy chairs SARB's outreach/communications committee.

Odida T. Quamina, Toronto

A consultant with the Ministry of Citizenship prior to joining SARB, Odida Quamina, PhD, has held a variety of positions within the Ontario government. He has served on the board of the Metro Toronto Children's Aid Society and on the race relations advisory committee of the Metro Toronto Separate School Board. A sociologist, author and columnist, Odida is also a former board member of the Harambee Child and Family Services Agency. He was reappointed to SARB in November 1990 for a second three year term.

Veda Rangan, Thornhill

Veda Rangan is a member of the Toronto advisory board of the Canadian National Institute for the Blind and on the board of Jessie's Centre for Teenage Mothers. She has done volunteer work for the United Way, Indian Immigrant Aid Services and Metro Caravan. Reappointed to SARB in November 1990 for a second three year term, Veda chairs the members' services committee of the board.

Audrey Renault, Ottawa

Audrey Renault came to SARB in November 1988 following community legal work in Ottawa. She has represented clients before tribunals and was involved in law reform issues affecting social assistance recipients, in particular women and people with disabilities. She has a social work background and has worked with the Children's Aid Society, the Regional Municipality of Ottawa-Carleton and the Ministry of Community and Social Services.

Sylvie Roy, Sudbury

A past executive director of the United Way/Centraide in Sudbury and District, Sylvie Roy has in-depth knowledge of the social services sector in her community. She was also employed as a director of human resources in hospital settings for several years, and has participated as a volunteer in numerous non-profit organizations. She currently co-chairs Children's Mental Health Services (Sudbury) Inc. Sylvie was appointed to SARB in November 1988.

Resignations:

Joanne Campbell, Toronto

Joanne Campbell was appointed chair of SARB in October 1987. She served as a member of the Metropolitan Toronto and Toronto city councils from 1982 to 1987, and was a member of the Metro executive committee and chair of the Metro community services and housing committee. Joanne left SARB in January 1991 to assume a new position as general manager of the Metro Toronto Housing Company Ltd.

Isabelle Quenneville, Toronto

Isabelle Quenneville was named a full-time member of SARB in 1987 after serving as a part-time member since 1985. A Franco-Ontarian originally from Windsor, she has extensive volunteer experience in the community. Isabelle's resignation from the board was effective in October 1990.

Frederika M. Rotter, Toronto

Frederika M. Rotter left SARB in December 1990 following a three year term, to become a senior arbitrator at the Ontario Insurance Commission. She was a staff lawyer specializing in immigration law with Parkdale Community Legal Services and earlier with the Centre for Spanish Speaking Peoples in Toronto. Frederika chaired SARB's policy committee for two years.

Bobbi Spark, Kingston

A founding member of the Ontario and National Anti-Poverty Organizations, Bobbi Spark has served as president of the Social Planning Council of Kingston and District and as a board member of Kingston Interval House. She was a member of SARB from November 1987 to October 1990.

Reviewing social assistance decisions

The Social Assistance Review Board hears appeals from individuals who disagree with a municipal or provincial government decision concerning their social assistance. An independent tribunal, the board works to ensure that social assistance legislation is applied fairly, consistently and accurately.

We hear appeals under the *General Welfare Assistance Act*, the *Family Benefits Act*, the *Vocational Rehabilitation Services Act* and the co-payment provisions of the Health Insurance Act. Most of our activities pertain to the first two statutes. Hearings are held in all regions of Ontario, usually in the community where the decision under appeal was made.

Ontario's social assistance system

General welfare assistance (GWA), usually administered by municipalities or First Nations communities, provides temporary support for people in short-term financial need, such as employable adults looking for work. The family benefits (FBA) program, administered by the province, supports people in long-term need, such as adults with disabilities and single-parent families with low incomes. The amount of social assistance is based on the difference between the applicant's financial needs and resources.

The vocational rehabilitation services (VRS) program is intended to help persons with disabilities become employable and, whenever possible, self-supporting. VRS provides job counselling, assessment, training, placement and other goods and services to eligible individuals.

Taken together, these programs form the social support network created by the province to assist those in need. In all, this system serves about 770,000 people, including both those who receive benefits and their dependents.

Impact of recession

The recession placed the social assistance system under extraordinary pressure in 1990-91. Benefit recipients and their dependents increased in number by 25 per cent over the previous year, as people exhausted their unemployment insurance and fell back on the social safety net.

Reflecting the heightened need for social assistance, the number of appeals received by the board rose 16 per cent over 1989-90, to more than 4,500. The increase accelerated toward the end of the fiscal year, beginning a trend that continued into 1991-92.

Back on Track

In September 1988 the Social Assistance Review Committee (SARC) submitted its report *Transitions* on the reform of Ontario's social assistance system. The province has established an Advisory Group on New Social Assistance Legislation to spearhead the process of turning the recommendations into action.

This community-based advisory group filed its first report, *Back on Track*, in March 1991. The report proposes immediate steps that can be implemented without changes in legislation. It presents 88 recommendations to make the social assistance system simpler, fairer and more responsive.

For example, the report suggests eligibility rules that are more equitable, less complex and more in tune with today's realities; it calls for pilot projects on opportunity planning to help people leave the social assistance system; and it urges improved benefits and stronger incentives to work.

One recommendation is to ensure that people are informed in writing of provincial and municipal decisions about their social assistance, and are also notified of their right to appeal to SARB. The board is currently working to raise awareness of the appeal process. We have prepared a pamphlet on "How to Appeal Your Social Assistance" and have asked community agencies, legal clinics and ministry and municipal offices to distribute it to their clients.

The advisory group is also preparing a second report that will provide a blueprint for new social assistance legislation. Six project teams – comprised of experts from within and outside government – have been created to assist the group with this task.

Two senior counsel from SARB sit on project teams - one on the legal issues group and the other on the disability determination team. They bring a tribunal perspective to these deliberations.

Both the immediate measures proposed in *Back on Track* and the legislative reforms being developed by the advisory group will reshape the environment in which SARB operates.

Independent tribunal

The board is established as a tribunal under the *Ministry of Community and Social Services Act* and is subject to the *Statutory Powers Procedure Act*, other statutes and the common law. This legal frame work imposes formal procedures that must be carefully followed. At the same time, a tribunal is expected to be more accessible than a court, so the board strives to be open and approachable as well.

At full strength, the board has 21 members (in addition to the chair). Hearings are held by panels of one, two or three members.

The board's composition reflects the diverse make-up of Ontario's population. While drawn from a variety of career backgrounds, all members possess the strong writing and analytical skills required to interpret legislation and prepare decisions.

The board members have been appointed by Cabinet order for three year terms, following an open competition. As the fiscal year ended, a selection process was under way to fill three vacant positions on the board.

Job advertisements ran in February in Toronto and Ottawa, where these positions will be based. In addition, we sent the advertisements to a network of 21 agencies serving immigrants, racial minorities and aboriginal people and requested them to inform their communities.

Four committees of board members have been created - on policy, procedures, outreach/communications and members' services. A staff of 33 full-time and two part-time employees provides legal, administrative and clerical support for the board's work.

Social Assistance Review Board

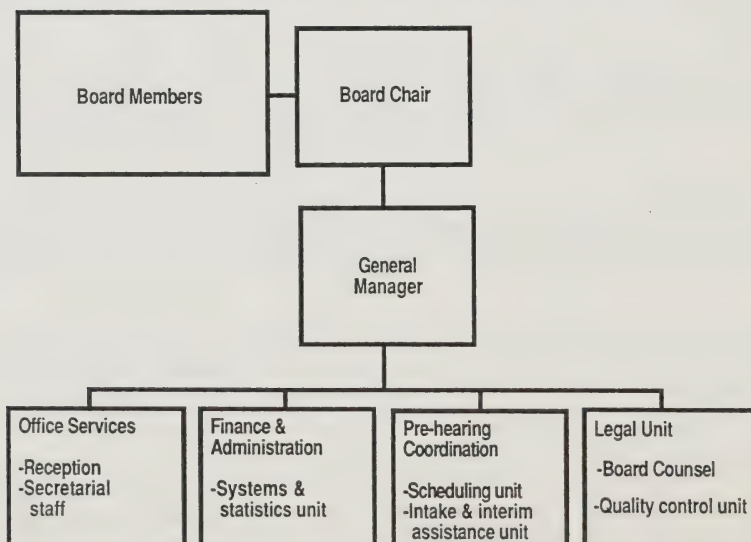
Administrative law community

The Social Assistance Review Board is active in the administrative law community.

In May 1990, 14 board members attended the annual conference of the Canadian Council of Administrative Tribunals - a national organization of federal, provincial and territorial agencies, boards and commissions. The chair of SARB participated in a panel discussion at this gathering.

The second annual conference of Ontario boards and agencies was held in November 1990. The chair of SARB, as well as a board member and a staff lawyer, were workshop leaders or panelists. Sixteen board members and six staff participated in the event.

Social Assistance Review Board ORGANIZATION CHART



Statistical trends

In 1990-91 the board issued a total of 1,731 decisions. Two of every three cases involved the refusal of benefits by provincial or municipal authorities, while others concerned the cancellation, reduction or amount of social assistance.

(Please note that we have changed our reporting methods for 1990-91 to base most key indicators on board decisions actually issued during the year, rather than on appeals heard. We feel this provides more meaningful information.)

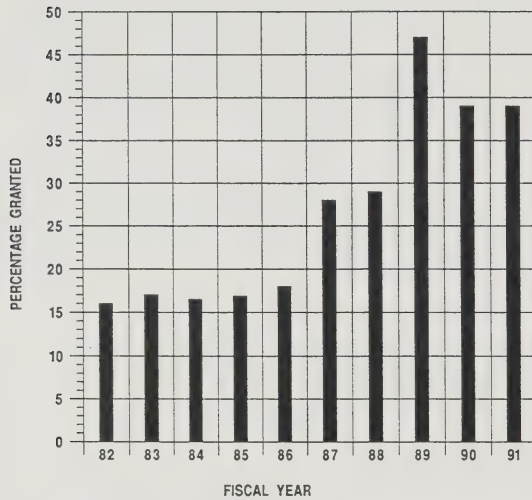
The board granted 39 per cent of all appeals in 1990-91. In nearly a quarter of all cases the appellant failed to attend the hearing to provide information, leaving the board no choice but to deny the appeal. If these *in absentia* cases are excluded, the board granted 50 per cent of appeals this year.

More than half of family benefits cases dealt with eligibility based on permanently unemployable or disabled status. Under general welfare, the largest category of appeals concerned job loss and job search by employable people.

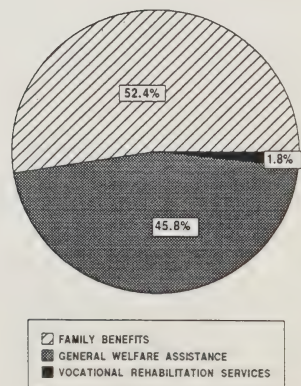
The board is empowered to award interim assistance to individuals in financial hardship pending their appeals. Requests for interim assistance have nearly tripled over the past four years. Fifty-seven per cent of requests for a hearing were accompanied by an interim request this year - compared with 20 per cent four years ago.

Social Assistance Review Board

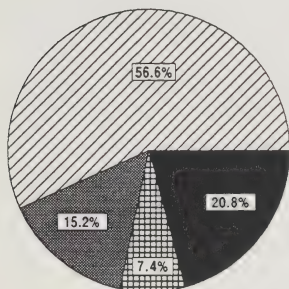
PERCENTAGE OF
APPEALS GRANTED
1981-82 - 1990-91



BREAKDOWN OF CASES
BY PROGRAM
1990-91

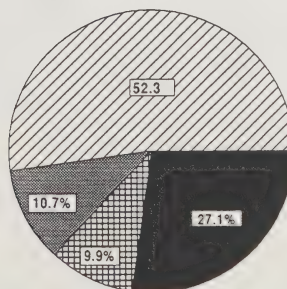


**BREAKDOWN OF FAMILY BENEFITS
APPEALS BY ISSUE
1990-91**



NOT PERMANENTLY UNEMPLOYABLE OR DISABLED
OVERPAYMENT
DISSATISFIED WITH AMOUNT
OTHER

**BREAKDOWN OF GENERAL WELFARE
APPEALS BY ISSUE
1990-91**



JOB SEARCH AND JOB LOSS
INCOME/ASSETS IN EXCESS
DISSATISFIED WITH AMOUNT
OTHER

Four priorities

To foster a responsive and equitable social assistance system, we concentrated on four priorities this year:

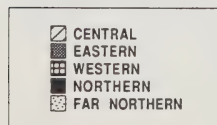
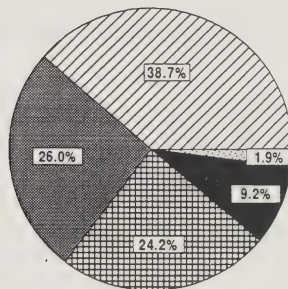
- Improving access
- Guaranteeing procedural fairness
- Expanding communications and
- Advancing administrative efficiency

Improving access

The board is determined to remove barriers that keep people from exercising their right to appeal or from participating fully in their hearings.

Board members travel to Ontario's regions to hold hearings as close to the appellant's location as possible. One third of the board members speak French and hearings are held in French on request. We also arrange for interpreters to attend hearings for people who do not speak English or French.

**BREAKDOWN OF APPEALS
BY REGION
1990-91**



We believe that attitudes are crucial to accessibility. All board members and staff are committed to treating with dignity and respect everyone who comes in contact with our organization. This applies from the first phone call or visit, through the delivery of a decision. At hearings we seek to maintain an atmosphere that is serious and formal, but also open and non-threatening.

New format

We designed a new, easy-to-understand format for our Form 1 - Notice of Request for Hearing. Reflecting "clear language" principles, the new format was to be introduced in April 1991.

Unlike the previous version, the new Form 1 directly asks appellants if they want to apply for interim assistance. This should improve access to interim benefits for people in financial hardship pending their appeals. It will probably increase the number of interim assistance requests.

Outreach

Our outreach/communications committee this year focused on the needs of under-served groups. The committee identified specific population segments that appear to be underserved and began studying outreach tools that could be used to improve this situation.

Groups identified as under-served include residents of northern Ontario, who face the barrier of distance; minority groups; and people who are functionally illiterate or have minimal reading ability.

Guaranteeing procedural fairness

Procedural fairness is fundamental to our role as a tribunal. We are committed to fair and even-handed treatment of all who appear before us, in accordance with sound legal procedures.

We strive to ensure a fair hearing for both people appealing social assistance decisions and the administrators who made them.

Board members receive training in the rules of evidence, such as how to weigh oral and written evidence and determine the credibility of witnesses. Written reasons for decision are provided in all cases.

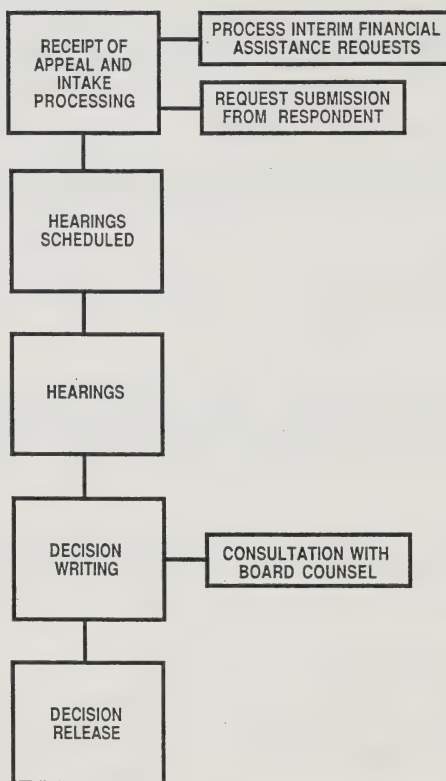
The board's procedures committee this year developed new hearing procedures and highlighted additional areas of education for board members. The goal is to ensure that hearings remain accessible, understandable and predictable for those who appear before us.

The committee worked to create improved procedures that are clear, consistent, fair and flexible. The new practices will be introduced in late 1991 and the social assistance community will be informed of the details prior to that time.

In addition, the committee clarified the board's powers to respond to legal issues that arise during a hearing, including the importance of explaining to the parties their roles, rights and responsibilities. The committee emphasized the need for further training of board members in these areas, and this recommendation will be carried out in 1991-92.

Social Assistance Review Board

Social Assistance Review Board THE APPEAL PROCESS



Hearing attendance encouraged

Under the legislation, people bringing appeals must meet the case against them. For this reason, individuals who do not attend their hearings to present evidence have little chance of a successful result.

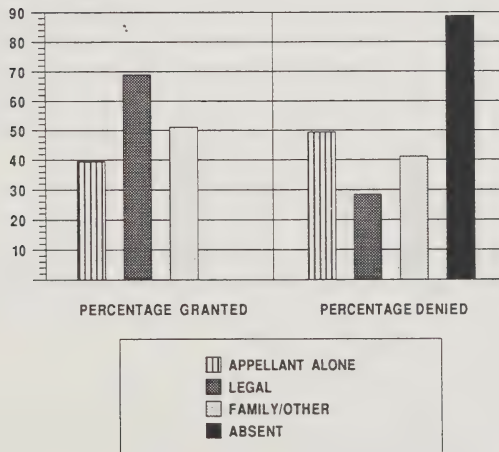
When the board writes to acknowledge a request for a hearing, we clearly emphasize how important it is for the appellant to attend. We include similar reminders in other correspondence, such as letters concerning interim assistance.

Legal representation

The board continues to work to ensure that everyone lodging an appeal is aware of the right to legal counsel.

We send each appellant a pamphlet listing all legal clinics in Ontario, and at every hearing the presiding member informs the appellant of the right to seek legal representation. The hearing is rescheduled if the appellant wishes to obtain legal advice.

**APPEALS GRANTED
AND DENIED
BY REPRESENTATION
1990-91**



Reconsideration hearings

A new board procedure on reconsideration hearings (new hearings to reconsider previous decisions) took effect in 1989. Previously, such hearings had been granted automatically, on the request of either party. The policy allows reconsideration hearings under certain conditions, but discourages unnecessary hearings.

This approach strengthens the credibility and finality of board decisions. It has probably encouraged both parties to put their full effort into the initial hearing, raising the standard of argument.

In 1990-91 the board granted 53 per cent of requests for reconsideration while denying 47 per cent. Eighty-one requests were filed, compared with 160 in 1988-89, the last full year prior to the change in policy.

Applications for reconsideration provide the board with feedback and highlight problem areas. For example, the question of permanently unemployable status often arises in reconsideration cases. This complex issue was referred to the board's policy committee for study.

Co-operation with the Ombudsman

The board co-operates fully with the Ombudsman of Ontario, who investigates citizen complaints concerning the actions of provincial ministries, agencies, boards and commissions. This year, the Ombudsman opened 11 files involving SARB and six were brought forward from 1989-90.

In five cases the person complaining chose not to pursue the matter; one case was resolved to the satisfaction of all parties; and four complaints were not supported by the Ombudsman following an investigation. The remaining seven files were carried forward to 1991-92.

Interim assistance examined

One of the complaints to the Ombudsman questioned a SARB practice regarding interim assistance. As a general rule, in considering interim assistance, the board

makes a distinction between people who are applying for family benefits and people who are already receiving family benefits, but whose allowance has been reduced, suspended or cancelled.

Applicants are normally granted interim assistance at the general welfare rate, whereas recipients whose benefits have been altered may be granted interim assistance at the higher family benefits rate. This practice was upheld by the Divisional Court's decision in *Baxter v. Social Assistance Review Board* (unreported, December 8, 1988).

After a detailed exchange of views, the Ombudsman determined that no further action on the board's part was necessary. However, she did express concerns about the interim assistance issue to the Minister of Community and Social Services.

Freedom of information

The *Freedom of Information and Protection of Privacy Act*, 1987 provides for access to government information and protects the privacy of personal information held by government. SARB responds thoroughly and quickly to requests for information under the Act.

This year the board received and responded to eight requests. In two cases the information sought was fully disclosed: in one, an individual asked to view her file personally at our office; in the other, a person requested a copy of the notice of hearing.

Three cases resulted in no disclosure due to exemptions under the Act. For example, when a father requested details of SARB's decision in the case of his independent daughter, the board neither confirmed nor denied the existence of a file. Disclosure would have been an invasion of the daughter's privacy. In addition, two requests led to partial disclosure and another was withdrawn.

There were no appeals to the Information and Privacy Commissioner regarding SARB's activities.

Expanding communications

SARB publishing program

In the *Transitions* report, the Social Assistance Review Committee called for the publication of SARB's decisions to guide decision-making across the system. The board agrees with this recommendation.

We want to communicate effectively with those we serve and the social assistance community at large. We also recognize that social assistance law has gained new maturity in the past decade which demands that decisions be widely available.

In June 1990 our format and publishing committee (a special group with members from our policy and outreach/communications committees) hired consultants to study SARB's publishing needs and prepare an action plan. The consultants' report was filed in November 1990 and staff were hired in January 1991 to implement the recommendations.

The new publishing team set out to develop a publishing program that would meet the board's internal information requirements as well as the needs of diverse client groups. A key priority was to preserve the anonymity of appellants.

The team consulted with the potential audience - community legal aid clinics, the Legal Aid Research Centre, municipal welfare administrators and the Ministry of Community and Social Services, as well as SARB staff and board members. All those interviewed agreed that access to SARB decisions would strengthen the professionalism and accountability of the board. In addition, the team examined the publications of similar tribunals.

Through this process, it became clear that the social assistance community would benefit from regular information about board policies and procedures. In addition, people needed access to a variety of decisions, presented in a concise, readable format, with a means of locating important points quickly.

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In response to these findings, the board prepared to launch two publications to appear every three months beginning in October 1991:

- *SARB Bulletin*, a newsletter on policy and procedural items; and
- *SARB Decision Digests*, a reporting service presenting short summaries of selected cases, indexed by subject.

Both publications will appear in English and French and will be available free of charge. To ensure wide access, copies will be provided to all legal deposit libraries (public libraries designated to receive all government documents published in Ontario), all county law libraries (operated by the Law Society of Upper Canada) and legal clinics.

As an extra service, readers will be able to obtain copies of the full text of board rulings summarized in *Digests* on request and without charge. The board also plans to publish the full text of decisions of particular interest on an occasional basis.

The appellant's name and all other identifying factors will be omitted from both the digests and the full text versions.

Advancing administrative efficiency

The board is determined to employ resources as productively as possible.

This year we computerized our internal operations to improve efficiency and client service. A local area network was installed linking about 40 personal computers and various printers and other equipment.

The new system automates the board's administrative functions, from processing incoming applications to scheduling hearings and notifying the parties of the outcome. Implementation began in the last quarter of the fiscal year and will be completed in 1991-92. Once fully operational, the local area network will help the board respond to the increasing number of appeals.

The new technology allows more than one person to enter data at the same time, removing a major bottleneck. The network also includes a file tracking system to record the status and whereabouts of all files at all times, expediting responses to client inquiries.

With the increase in SARB's case load and the introduction of the new computer system, the board entered a transitional phase in terms of internal administration. For the short term, we assigned more staff to help with the initial processing of hearing requests and interim assistance applications. Over the long term, we began to review the way we do things, an exercise that could lead us to reorganize both the board and the staff in 1991-92.

Legal and policy issues

Interim assistance

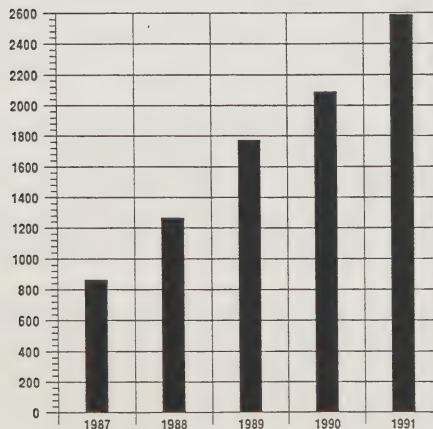
The board has authority to order the payment of interim assistance if satisfied there may be financial hardship while an appeal is pending. Over the past year, this issue has taken up an increasing proportion of the board's attention and resources.

Discretionary powers

Under legislation the board is required to assess financial hardship before ordering interim assistance. This assessment involves contacting both the person lodging the appeal and the administrator who made the decision, a process that can lead to unavoidable delays.

Once financial hardship has been determined, the board has discretion to award interim assistance. Each case is examined on its merits.

**INTERIM ASSISTANCE
REQUESTS
1986-87 - 1990-91**



Dilemmas emerge

In last year's annual report, we described the process by which we established general guidelines for deciding interim requests. We stressed our commitment to make every effort not to prejudge the issue under appeal.

A growing realization this year has been the difficulty of living up to this undertaking. Interim assistance usually covers the same time period as that at stake in the appeal, and is never recoverable by the municipality. Under these conditions many interim orders in effect amount to an irrevocable prejudgment of the issue in dispute.

If the board orders interim assistance and the eventual decision favours the municipal or provincial administrator, the board's decision has no practical effect since the money in question has already been paid. On the other hand, if the board refuses to order interim assistance, an appellant may be forced to sell assets or make other changes in the very circumstances that are the subject of the appeal.

Educational exemption

The resulting conflict has been most obvious in welfare cases involving the educational exemption from job search requirements.

Under the legislation employable persons attending a full-time educational program with the approval of the welfare authorities are exempt from the obligation to seek and accept work. People who are denied this approval may appeal to the board and request interim assistance until their case is decided.

In these circumstances the board has generally found that the applicant must be considered employable until the board rules otherwise after the hearing. Since employable people are usually given one month's interim assistance so they can continue to look for work, students also receive one month. At the end of that period, they can reapply on the same basis as other employable applicants.

While we normally follow this approach in educational exemption cases, it should be stressed that each interim request is examined on its own merits.

Challenge to legislation

The possibility of prejudging the issue also arises when the appellant is clearly ineligible under the legislation, but argues that the legislation itself is unlawful in some way. The appellant may claim that a statute violates the *Canadian Charter of Rights and Freedoms*, for instance, or that a regulation is beyond the government's powers.

The board has taken the position that it would be unreasonable to order interim assistance in this situation. Although the appellant may be challenging the legislation, we must presume that the legislation is valid until it is found to be otherwise.

Firm commitment

As these examples show, the board has come to realize that although financial hardship is the primary consideration in interim decisions, it cannot be the only one. The board remains committed to the goal of attempting not to prejudge the issue and of giving the appellant the benefit of the doubt whenever possible. But we have come to understand that these aims are not easy to achieve.

Highlights of board decisions

Over the course of a year the board hears a wide range of interesting cases. In this annual report we can summarize only a few of the board's decisions released in 1990-91.

Charter jurisdiction

A 15-year-old was refused general welfare on the grounds that the legislation does not authorize assistance to persons under the age of 16. The applicant appealed to SARB. At the hearing the applicant's representative argued that, if the board found the applicant ineligible under the legislation, it should also find that the legislation contravenes the *Canadian Charter of Rights and Freedoms*.

The board concluded that a 15-year-old is not eligible under the legislation. The board also ruled that it does have jurisdiction to determine whether the legislation contravenes the Charter. This jurisdiction is based on section 52 of the Charter and applies even though the board is not "a court of competent jurisdiction" within the meaning of section 24 of the Charter.

This case has been appealed to the Divisional Court. The merits of the Charter challenge remain to be heard.

Since the Board issued its ruling, the Supreme Court of Canada has released decisions involving the jurisdiction of two other tribunals to hear Charter-based challenges to their legislation. In one case the jurisdiction was upheld, while in the other it was denied.

In reaching its conclusions, SARB had relied on the decisions and reasoning of the lower courts in these two cases. Until the board's jurisdiction is tested in the courts, the effect of the recent Supreme Court judgments will remain unclear.

Joint custody and “dependent child”

One of the categories of eligibility under the *Family Benefits Act* is the status of sole support parent “with a dependent child”. The meaning of the phrase “with a dependent child” was at issue in cases involving parents whose children were not living with them full time.

In one case, the board concluded that if the child is in the parent's care only on weekends and holidays, the situation is closer to that of “liberal access”. Hence the board found that while the applicant was the parent **of** a dependent child, she was not a parent **with** a dependent child. This decision has been appealed to the Divisional Court.

In another case, the mother took the children two weeks out of every four, stayed at home to care for them while they were with her, and worked outside the home the other two weeks. The board found that she was a parent with dependent children. She was eligible for an allowance taking into consideration her earnings during the two weeks a month that she was employed.

“Resident in the province” and “Absent from Ontario”

The allowance of an individual receiving family benefits as a permanently unemployable person was cancelled because she was no longer resident in the province. She suffered from a severe environmental disease and had to live in a specially outfitted trailer camp in the United States.

The board found that, although almost every category of eligibility under the legislation requires applicants or recipients to be resident in the province, there was no similar requirement for those who qualify as permanently unemployable.

The legislation authorizes the director to use discretion to cancel or suspend an allowance when a recipient is "absent from Ontario." The board concluded that in this case discretion should have been exercised in favour of the recipient.

The reason for her absence from Ontario was the very same condition that made her eligible as a permanently unemployable person. In addition, as a person forced by medical circumstances to live in the United States with no legal status, she had no other possible means of support.

In another case, the board found that the director had properly exercised his discretion to suspend an allowance. The recipient had been living in another country for about 18 months awaiting an organ transplant. The director had continued the allowance during that period. However, there was no indication when the transplant would occur and when the recipient could return home. Moreover, his needs in the other country were being met and he was asking for a continued allowance solely to retain his apartment in Canada.

Court cases

Decisions of the Social Assistance Review Board may be appealed to the Divisional Court on a question that is not a question of fact alone. SARB is bound by the rulings of the courts.

Nine appeals to the Divisional Court were heard in 1990-91. Three important cases are summarized below.

Student welfare

The board had denied an appeal by an individual who quit her job to return to high school. She had left school and worked for about a year. She had a permanent full time job paying \$8.50 an hour, but decided to quit this position to resume her education as a full time student. She applied for welfare but was refused on the ground that her unemployment was within her own control.

At the hearing, legal counsel for the appellant argued that she should have been granted welfare under section 6(1)(a) of the regulation. This provides that a person in a high school program with the approval of the welfare administrator can receive assistance provided that he or she remains otherwise eligible. While the appellant had not received the administrator's approval, it was argued that this approval should have been given.

The board, in its reasoning, relied on section 7(1) of the *General Welfare Assistance Act*, which authorizes assistance only to "persons in need." The regulations define a "person in need" as someone with budgetary requirements in excess of income by reason of specific circumstances – such as disability, old age or inability to obtain regular employment. Only the last category could possibly apply in this case.

SARB concluded that the appellant was not "unable to obtain regular employment". She had a full-time permanent job, paying above the minimum wage, which she voluntarily left to return to school. Accordingly, the board found that the appellant was not a person in need, and therefore not eligible for assistance.

On appeal, the Divisional Court overturned SARB's decision.¹ The court found that it was unnecessary to be a "person in need" to obtain assistance as a high school student.

A student can apply for welfare under section 7(2) of the Act instead of section 7(1). Section 7(2) allows the administrator to use discretion to provide assistance to persons otherwise eligible who are not "persons in need". In taking this approach, the court emphasized the critical value of a high school education in obtaining steady employment and escaping the welfare cycle.

In the court's view, a student applicant must still have budgetary requirements in excess of income. However, the shortfall need not be due to the specific circumstances cited in the definition of "person in need".

¹ *Shelly Kerr and The General Manager, Department of Social Services of Metropolitan Toronto* (unreported decision of the Divisional court, June 13, 1991).

The court went on to hold that even if it was necessary for a student to be a “person in need”, the applicant in this case met that criterion. In the court’s view, she was unable to obtain regular employment because she was attending school full time. The board had been too narrow in its interpretation of the phrase “unable to obtain regular employment.”

The matter was referred back to the welfare administrator to exercise discretion under section 6(1) of the regulation.

Recovery of overpayment

A woman who was receiving family benefits was notified that overpayments totalling several thousand dollars would be recovered by reducing her allowance by \$40 a month. She appealed to SARB.

The board found that responsibility for incurring the overpayments was shared between the family benefits office and the client. Because there was joint responsibility and a portion of the funds had already been recovered by the ministry, it would be unfair to make the recipient bear the remaining part of the overpayment.

The director sought judicial review of SARB’s decision. The main question was whether the board had the authority to overturn the director’s decision to recover the remaining overpayment from the woman’s benefits.

The court held¹ that once an overpayment has been found to exist, the board does not have the authority to declare the debt forgiven. However, as long as the person charged with the overpayment is still receiving an allowance, the board has jurisdiction to review and rescind the director’s decision to recover the overpayment by reducing the allowance. In reaching this conclusion, the court relied on and followed a previous Divisional Court decision.²

¹ *Director of Income Maintenance and Nancy Jacqueline Conway* (unreported decision of the Divisional Court, December 12, 1990).

² *Reichstein v. Director, Income Maintenance* (unreported decision of the Divisional Court, July 14, 1982).

Failure to seek child support

The family benefits allowance of an unmarried mother with a dependent child was reduced \$40 a month for failure to seek maintenance from the child's father. The recipient appealed to SARB, which held a hearing and later a reconsideration hearing. At both proceedings the board decided to affirm the decision of the provincial director.

On appeal by the recipient, the Divisional Court found that she had refused to seek maintenance for the child because she felt such efforts would be fruitless.¹ The court noted her reasons, but also held that she had an obligation to make a reasonable effort to obtain maintenance. She failed in that duty by refusing to sign the papers to launch a court application.

However, the court found that there was no evidence to justify the conclusion that the amount of \$40 or any amount was available to her as a contribution if she had sought support. The case was referred back to the board to determine upon proper evidence the amount of contribution, if any, available to her.

¹ *Campbell v. Ontario (Director, Income Maintenance Branch, Ministry of Community and Social Services)*, 71 DLR (4th) 1990.

Financial report

Statement of expenditure

Description	1990-91	1989-90
Salaries & Wages	\$ 1,301,464	\$ 1,053,476
Employee Benefits	199,037	119,579
Transportation & Communication	465,627	501,235
Services	2,131,634	1,787,042
Supplies & Equipment	106,747	262,591
	<hr/>	<hr/>
	\$ 4,204,509	\$ 3,723,923

Statistical Tables

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Table 1

Number of Appeals 1990-91

Cases brought forward from 1989-90	1341	
Appeals received during the year 1990-91	4513	
	Subtotal	5854
Cases closed without a hearing	2126	
Appeals heard	1810	
	Subtotal	3936
<hr/>		
Cases carried forward into 1991-92*		1918

- * Cases carried forward include the following:
scheduled but not yet heard, not scheduled at the request of appellant
or representative, rescheduled but not yet heard, received but not yet scheduled.

Table 2

Cases closed without a hearing 1990-91

Reason case closed	#	%
Withdrawn by Appellant	897	42.2%
Withdrawn by legal representative of Appellant	673	31.7%
Withdrawn by other representative of Appellant	37	1.7%
Withdrawn by Respondent *	4	0.2%
Closed by Board **	515	24.2%
Total	2126	100 %

* Withdrawn by Respondent consists of reconsideration cases initiated by the Respondent.

** Closed by Board includes the following:
no jurisdiction, reconsideration hearing not granted, no contact from Appellant.

Table 3

Board decisions by type of case under appeal 1990-91

Program	Refusal		Cancellation & Suspension		Amount & Reduction		Other		Total	
	#	%	#	%	#	%	#	%	#	%
FBA	585	64.5%	108	11.9%	212	23.4%	2	0.2%	907	100%
GWA	543	68.6%	148	18.6%	99	12.5%	2	0.3%	792	100%
VRS	25	78.1%	6	18.8%	1	3.1%	—	—	32	100%
All programs	1153	66.7%	262	15.1%	312	18.0%	4	0.2%	1731	100%

Table 4

FBA Appeals by issue 1990-91

Issue	#	%
Not permanently unemployable or disabled	513	56.6%
Overpayment	138	15.2%
Dissatisfied with amount	67	7.4%
Assets/Income in excess	47	5.2%
Not living as a single person	33	3.6%
Failure to seek maintenance support	17	1.9%
Failure to provide information	15	1.6%
Date of grant	11	1.2%
Qualifying child	11	1.2%
Immigration sponsorship	8	0.9%
Disposal of assets	5	0.6%
Handicapped children's benefit	5	0.6%
Other *	37	4.0%
Total FBA	907	100 %

* Other issues include the following:
 no longer a participant in a VRS program, not a foster parent/child,
 income up / expenses down, no jurisdiction.

Table 5

GWA Appeals by issue 1990-91

Issue	#	%
Job search and job loss	414	52.3%
Income/assets in excess	85	10.7%
Dissatisfied with amount	78	9.9%
Failure to provide information	39	4.9%
Under 18 or 21 years of age	34	4.3%
Immigration sponsorship	25	3.2%
Overpayment	19	2.4%
Not living as a single person	15	1.9%
Failure to seek maintenance support	11	1.4%
No status in Canada	5	0.6%
Disposal of assets	4	0.5%
Date of grant	3	0.4%
Other *	60	7.5%
Total GWA	792	100 %

- * Other issues include the following:
school progress insufficient, discharge allowance, employed full time,
patient in an institution, qualifying child, no jurisdiction.

Table 6

VRS Appeals by issue 1990-91

Issue	#	%
Program/Equipment not beneficial	16	50.0%
Not disabled	7	21.9%
Progress insufficient	5	15.6%
Other *	4	12.5%
Total VRS	32	100 %

* Other issues include the following:
adequate education program exists in Ontario, no longer a participant,
no jurisdiction.

Table 7

Board decisions by program 1990-91

Program	Appeal Granted		Appeal Denied				Referred **		Other ***		Total	
	#	%	Appellant or representative present		Heard in * absentia		#	%	#	%	#	%
FBA	484	53.4%	283	31.2%	71	7.8%	5	0.5%	64	7.1%	907	100%
GWA	178	22.5%	237	29.9%	302	38.1%	2	0.3%	73	9.2%	792	100%
VRS	13	40.6%	14	43.8%	1	3.1%	—	—	4	12.5%	32	100%
All programs	675	39.0%	534	30.8%	374	21.6%	7	0.4%	141	8.2%	1731	100%

* Heard in absentia cases are ones where the appellant is not present for the hearing. The board normally has no choice but to deny the appeal in these cases, since no information is provided by the appellant.

** Cases referred back to the provincial director or municipal administrator to reconsider the original decision under appeal in accordance with directions given by the board.

*** Other decisions include the following:
no appeal before the board, no information to substantiate matter being appealed, no authority to deal with matter, appeal out of time, unable to determine matter being appealed, matter resolved, appeal withdrawn, heard in absentia / appeal not denied or granted, no jurisdiction.

Table 8

Board decisions under FBA by issue 1990-91

Issue	Appeal Granted		Appeal Denied				Referred **		Other ***		Total	
	#	%	Appellant or representative present		Heard in * absentia		#	%	#	%	#	%
Not permanently unemployable or disabled	354	69.0%	108	21.1%	35	6.8%	1	0.2%	15	2.9%	513	100%
Overpayment	52	37.7%	49	35.5%	8	5.8%	2	1.4%	27	19.6%	138	100%
Dissatisfied with amount	10	14.9%	41	61.2%	9	13.4%	1	1.5%	6	9.0%	67	100%
Assets/Income in excess	15	31.9%	25	53.2%	3	6.4%	—	—	4	8.5%	47	100%
Not living as a single person	14	42.4%	14	42.4%	5	15.2%	—	—	—	—	33	100%
Failure to seek maintenance support	11	64.7%	3	17.6%	1	5.9%	—	—	2	11.8%	17	100%
Failure to provide information	4	26.7%	8	53.3%	3	20.0%	—	—	—	—	15	100%
Date of grant	5	45.5%	4	36.4%	—	—	—	—	2	18.1%	11	100%
Qualifying child	4	36.4%	6	54.5%	—	—	—	—	1	9.1%	11	100%
Immigration sponsorship	3	37.5%	2	25.0%	3	37.5%	—	—	—	—	8	100%
Disposal of assets	3	60.0%	2	40.0%	—	—	—	—	—	—	5	100%
Handicapped children's benefit	3	60.0%	2	40.0%	—	—	—	—	—	—	5	100%
Other ****	6	16.2%	19	51.4%	4	10.8%	1	2.7%	7	18.9%	37	100%
Total FBA	484	53.4%	283	31.2%	71	7.8%	5	0.5%	64	7.1%	907	100%

* Heard in absentia cases are ones where the appellant is not present for the hearing. The board normally has no choice but to deny the appeal in these cases, since no information is provided by the appellant.

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*** Other decisions include the following:
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**** Other issues include the following:
no longer a participant in a VRS program, not a foster parent/child, income up / expenses down, no jurisdiction.

Table 9

Board decisions under GWA by issue 1990-91

Issue	Appeal Granted		Appeal Denied				Referred **		Other ***		Total	
	#	%	Appellant or representative present	#	%	Heard in * absentia	#	%	#	%	#	%
Job search and job loss	74	17.9%	120	29.0%	191	46.1%	–	–	29	7.0%	414	100%
Income/assets in excess	13	15.3%	32	37.6%	30	35.3%	1	1.2%	9	10.6%	85	100%
Dissatisfied with amount	10	12.8%	29	37.2%	26	33.3%	1	1.3%	12	15.4%	78	100%
Failure to provide information	12	30.8%	7	17.9%	18	46.2%	–	–	2	5.1%	39	100%
Under 18 or 21 years of age	14	41.2%	6	17.7%	13	38.2%	–	–	1	2.9%	34	100%
Immigration sponsorship	12	48.0%	7	28.0%	3	12.0%	–	–	3	12.0%	25	100%
Overpayment	5	26.3%	9	47.3%	1	5.3%	–	–	4	21.1%	19	100%
Not living as a single person	8	53.3%	5	33.3%	1	6.7%	–	–	1	6.7%	15	100%
Failure to seek maintenance support	8	72.7%	1	9.1%	1	9.1%	–	–	1	9.1%	11	100%
No status in Canada	1	20.0%	3	60.0%	1	20.0%	–	–	–	–	5	100%
Disposal of assets	2	50.0%	1	25.0%	1	25.0%	–	–	–	–	4	100%
Date of grant	2	66.7%	–	–	–	–	–	–	1	33.3%	3	100%
Other ****	17	28.3%	17	28.3%	16	26.7%	–	–	10	16.7%	60	100%
Total GWA	178	22.5%	237	29.9%	302	38.1%	2	0.3%	73	9.2%	792	100%

* Heard in absentia cases are ones where the appellant is not present for the hearing. The board normally has no choice but to deny the appeal in these cases, since no information is provided by the appellant.

** Cases referred back to the provincial director or municipal administrator to reconsider the original decision under appeal in accordance with directions given by the board.

*** Other decisions include the following:
no appeal before the board, no information to substantiate matter being appealed, no authority to deal with matter, appeal out of time, unable to determine matter being appealed, matter resolved, appeal withdrawn, heard in absentia / appeal not denied or granted, no jurisdiction.

**** Other issues include the following:
school progress insufficient, discharge allowance, employed full time, patient in an institution, qualifying child, no jurisdiction.

Table 10

Board decisions under VRS by issue 1990-91

Issue	Appeal Granted		Appeal Denied				Other **		Total	
	#	%	Appellant or representative present		Heard in * absentia		#	%	#	%
Program/Equipment not beneficial	6	37.5%	8	50.0%	–	–	2	12.5%	16	100%
Not disabled	5	71.4%	2	28.6%	–	–	–	–	7	100%
Progress insufficient	1	20.0%	3	60.0%	–	–	1	20.0%	5	100%
Other ***	1	33.3%	1	33.3%	1	33.3%	1	33.3%	4	100%
Total VRS	13	40.6%	14	43.8%	1	3.1%	4	12.5%	32	100%

* Heard in absentia cases are ones where the appellant is not present for the hearing. The board normally has no choice but to deny the appeal in these cases, since no information is provided by the appellant.

** Other decisions include the following:
no appeal before the board, no information to substantiate matter being appealed, no authority to deal with matter, appeal out of time, unable to determine matter being appealed, matter resolved, appeal withdrawn, heard in absentia / appeal not denied or granted, no jurisdiction.

*** Other issues include the following:
adequate education program exists in Ontario, no longer a participant, no jurisdiction.

Table 11

Board decisions by representation 1990-91

Decision	Appellant alone		Legal representative		Family, friend or other representative		Heard in absentia	
	#	%	#	%	#	%	#	%
Appeal granted	273	39.5%	335	68.9%	67	51.2%	—	— %
Appeal denied	342	49.4%	138	28.4%	54	41.2%	374	88.7%
Referred back *	2	0.3%	1	0.2%	3	2.3%	1	0.2%
Other **	75	10.8%	12	2.5%	7	5.3%	47	11.1%
Total	692	100 %	486	100 %	131	100 %	422	100 %
Percentage of all cases		40.0%		28.1%		7.5%		24.4%

* Cases referred back to the provincial director or municipal administrator to reconsider the original decision under appeal in accordance with directions given by the board.

** Other decisions include the following:
no appeal before the board, no information to substantiate matter being appealed, no authority to deal with matter, appeal out of time, unable to determine matter being appealed, matter resolved, appeal withdrawn, heard in absentia / appeal not denied or granted, no jurisdiction.

Table 12

Regional breakdown of decisions by program 1990-91

Program	Central		Eastern		Western		Northern		Far Northern		Total	
	#	%	#	%	#	%	#	%	#	%	#	%
FBA	276	30.4%	292	32.2%	212	23.4%	99	10.9%	28	3.1%	907	100%
GWA	380	48.0%	154	19.4%	196	24.7%	56	7.1%	6	0.8%	792	100%
VRS	14	43.7%	4	12.5%	10	31.3%	4	12.5%	—	—	32	100%
All programs	670	38.7%	450	26.0%	418	24.2%	159	9.2%	34	1.9%	1731	100%

Table 13

**Breakdown of decisions
by County, District, Regional Municipality 1990-91**

Central Region			Western Region		
	#	%		#	%
Toronto, Metropolitan	442	25.5%	Essex, County	149	8.6%
Niagara, Regional municipality	51	2.9%	Middlesex, County	63	3.6%
Peel, Regional municipality	41	2.4%	Lambton, County	48	2.7%
Simcoe, County	38	2.2%	Kent, County	27	1.6%
Hamilton-Wentworth, Regional municipality	38	2.2%	Elgin, County	22	1.3%
Brant, County	28	1.6%	Haldimand-Norfolk, Regional Municipality	21	1.2%
York, Regional municipality	21	1.2%	Waterloo, Regional Municipality	21	1.2%
Halton, Regional municipality	10	0.6%	Wellington, County	20	1.1%
Dufferin, County	1	0.1%	Perth, County	13	0.8%
Eastern Region			Grey, County	13	0.8%
Hastings, County	74	4.3%	Oxford, County	10	0.6%
Ottawa-Carleton, Regional municipality	72	4.2%	Huron, County	8	0.5%
Renfrew, County	54	3.1%	Bruce, County	3	0.2%
Peterborough, County	46	2.6%	Northern Region		
Durham, Regional municipality	33	1.9%	Sudbury, District	85	4.9%
Prescott-Russell, United Counties	29	1.8%	Nipissing, District	29	1.7%
Stormont, Dundas & Glengarry, United Counties	26	1.5%	Algoma, District	21	1.2%
Leeds & Grenville, United Counties	25	1.4%	Timiskaming, District	15	0.9%
Victoria, County	24	1.3%	Muskoka, District	6	0.3%
Lennox & Addington, County	23	1.3%	Manitoulin, District	2	0.1%
Frontenac, County	16	0.9%	Parry Sound, District	1	0.1%
Northumberland, County	13	0.8%	Far Northern Region		
Lanark, County	12	0.7%	Cochrane, District	20	1.1%
Prince Edward, County	3	0.2%	Thunder Bay, District	13	0.7%
Haliburton, Regional municipality	—	—	Rainy River, District	1	0.1%
			Kenora, District	—	—
Total			1731 100%		

Table 14

Hearings by language 1990-91

Language	%
English	90.0%
French	2.6%
Other languages requiring an interpreter	7.4%
Total	100 %

Table 15

Decisions on interim assistance requests by program 1990-91

Program	Request Granted		Request Not Granted *		Total	
	#	%	#	%	#	%
FBA	201	37.6%	333	62.4%	534	100%
GWA	1225	59.6%	830	40.4%	2055	100%
Total	1426	55.1%	1163	44.9%	2589	100%

- * The main reasons for not granting interim assistance requests are: withdrawal or resolution of the appeal before the request is processed; request relates to special assistance or other matters over which the board has no jurisdiction; appeal relates to the refusal of family benefits and the applicant is in receipt of or has recourse to general welfare assistance; appellant has no food or shelter expenses prior to the hearing; and there is no reviewable matter before the board.

Table 16

**Interim assistance requests during five-year period
1986-87 – 1990-91**

Fiscal year	Interim requests decided #	Increase over four years %
1990-91	2589	200.0%
1989-90	2089	
1988-89	1772	
1987-88	1267	
1986-87	864	

Table 17

Appeals and interim assistance requests during five-year period 1986-87 – 1990-91

Fiscal year	Appeals received #	Interim requests decided #	Appeals with interim requests %
1990-91	4513	2589	57.4%
1989-90	3866	2089	54.0%
1988-89	4307	1772	41.1%
1987-88	4078	1267	31.1%
1986-87	4385	864	19.7%

Table 18

**Percentage of Appeals by program
during the ten-year period 1981-82 – 1990-91**

Fiscal year	FBA %	GWA %	VRS %
1990-91	52.4%	45.8%	1.8%
1989-90	54.3%	44.5%	1.2%
1988-89	54.7%	44.3%	1.0%
1987-88	60.3%	39.0%	0.7%
1986-87	66.3%	32.8%	0.9%
1985-86	59.0%	39.2%	1.8%
1984-85	57.8%	39.4%	2.8%
1983-84	55.0%	41.5%	3.5%
1982-83	56.1%	41.1%	2.8%
1981-82	70.5%	26.7%	2.8%

Table 19

Percentage of Appeals granted and denied during the ten-year period 1981-82 – 1990-91

Fiscal year	Appeal Granted %	Appeal Denied			Referred Back %	Other *** %
		Total denied %	Appellant or representative present %	Heard in * absentia %		
1990-91	39.0%	52.4%	30.8%	21.6%	0.4%	8.2%
1989-90	38.5%	52.0%	29.5%	22.5%	0.9%	8.6%
1988-89	47.4%	42.1%	20.7%	21.4%	0.3%	10.2%
1987-88	29.3%	62.3%	n/a	n/a	1.0%	7.4%
1986-87	28.3%	63.0%	n/a	n/a	2.9%	5.8%
1985-86	18.0%	70.8%	n/a	n/a	3.0%	8.2%
1984-85	16.6%	73.2%	n/a	n/a	2.5%	7.7%
1983-84	16.9%	76.2%	n/a	n/a	2.1%	4.8%
1982-83	16.5%	75.5%	n/a	n/a	2.3%	5.7%
1981-82	16.3%	78.4%	n/a	n/a	4.6%	0.7%

* Heard in absentia cases are ones where the appellant is not present for the hearing. The board normally has no choice but to deny the appeal in these cases, since no information is provided by the appellant.

** Cases referred back to the provincial director or municipal administrator to reconsider the original decision under appeal in accordance with directions given by the board.

*** Other decisions include the following:
no appeal before the board, no information to substantiate matter being appealed, no authority to deal with matter, appeal out of time, unable to determine matter being appealed, matter resolved, appeal withdrawn, heard in absentia / appeal not denied or granted, no jurisdiction.



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